

JERRY S. BUSBY
Nevada Bar #001107
COOPER LEVENSON, P.A.
3016 West Charleston Boulevard - #195
Las Vegas, Nevada 89102
(702) 366-1125
FAX: (702) 366-1857
jbusby@cooperlevenson.com

Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ELISABETE SANTOS, LUIZ SANTOS

Plaintiffs,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.,
STARBUCKS CORPORATION and Does I
through V, inclusive,

Defendants.

Case No. 2:24-cv-00376-JAD-BNW

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER**

SPECIAL SCHEDULING REVIEW

COMES NOW Defendant SMITH'S FOOD & DRUG CENTERS, INC. by and through its counsel, JERRY S. BUSBY, ESQ. and TY MAYNARICH, ESQ., of the law firm COOPER LEVENSON, P.A., and Plaintiffs ELISABETE SANTOS, LUIZ SANTOS, by and through their counsel, LAURENCE SPRINGBERG, ESQ. of the SPRINGBERG LAW FIRM and hereby submit this Proposed Joint Discovery Plan and Scheduling Order.

Fed.R.Civ.P. 26(f) Conference.

Counsel for the parties participated in the FRCP Rule 26(f) conference on March 7, 2024 and there were no discovery disputes at that time. The parties agree to exchange their respective initial disclosure statements in a timely manner. After considering the evidence in this case, counsel for the parties believe that eight months will be needed to complete discovery and be prepared for trial. More specifically, counsel request 241 days from the date of removal to complete discovery inasmuch as there was no discovery conducted prior to removal to this Court.

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As justification for the eight months of discovery, counsel believe that additional time is needed because of the extensive treatment rendered to Plaintiff. More specifically, Plaintiff has had two surgical procedures performed (knee and shoulder) and she is now considering additional treatment for her low back. Accordingly, counsel believe that additional time will be needed to recover extensive medical records, including records of years of treatment rendered prior to the incident at SMITH'S involved in this lawsuit. In addition, Plaintiff, ELISABETE SANTOS, and other witnesses in this case speak little English, it has been and will be difficult for counsel to investigate and later conduct formal discovery into the facts of this case.

Below is the parties proposed discovery schedule:

1. **Discovery Cut-Off Date:** Defendant filed its Notice of Removal on February 23, 2024 and the parties are requesting 241 days for discovery from the date of removal inasmuch as no discovery was conducted in State Court prior to removal. Therefore, based upon the status of this litigation and the evidence reviewed by counsel, the parties are requesting eight months for discovery in order to be prepared for trial. Thus, the parties request a discovery cut-off date of October 21, 2024 – 241 days after removal.

2. **Amending the Pleadings and Adding Parties:** The parties request that all motions to amend the pleadings or to add parties be filed no later than July 23, 2024 – 90 days prior to the proposed close of discovery.

3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of experts be made on or before August 22, 2024 – 60 days before the proposed discovery cut-off date. Disclosure of rebuttal experts shall be made by September 23, 2024 – 32 days after the initial disclosure of experts.

4. **Interim Status Report:** Under recent changes in the rules, the parties will not file an interim status report previously required by LR 26-3.

5. **Dispositive Motions:** The date for filing dispositive motions shall be no later than November 20, 2024 – 30 days after the proposed discovery cut-off date. In the event that the discovery period is extended from the discovery cut-off date set forth in this proposed Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be not later

1 than 30 days from the subsequent discovery cut-off date.

2 6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
3 December 20, 2024 – 30 days after the cut-off date for filing dispositive motions. In the event that
4 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30
5 days after decision on the dispositive motions or until further order of the court. In the further event
6 that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan
7 and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with
8 the time periods set forth in this paragraph.

9 7. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.
10 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

11 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
12 conferred about the possibility of using alternative dispute resolution including mediation, arbitration
13 and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be
14 effective at this time as the parties and their counsel believe that it is necessary to conduct discovery
15 before attempting to resolve this case. Counsel further agree that a settlement conference will be
16 beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in
17 submitting this case to arbitration.

18 9. **Alternative Forms of Case Disposition:** The parties certify that they discussed
19 consenting to trial by a magistrate judge or engaging in the Short Trial Program under Fed. R. Civ.
20 P. 73 and at present do not consent to either alternative form of case disposition.

21 10. **Electronic Evidence:** The parties certify that they have discussed and intend to use
22 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
23 format compatible with the Court's electronic jury evidence display system. At present, the parties
24 have not agreed upon any stipulations regarding use of electronic evidence but will address this issue
25 again in the Pre Trial Order.

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11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

Respectfully submitted this 27th day of March, 2024.

SPRINGBERG LAW FIRM

COOPER LEVENSON, P.A.

/s/ Laurence Springberg

LAURENCE SPRINGBERG, ESQ.

Nevada Bar No. 000188

801 South Rancho Blvd., Suite E8

Las Vegas, NV 89106-3812

(702) 731-9222

Attorneys for Plaintiffs

ELISABETE SANTOS and LUIZ SANTOS

/s/ Jerry S. Busby

JERRY S. BUSBY, ESQ.

Nevada Bar No. 001107

3016 West Charleston Boulevard - #195

Las Vegas, Nevada 89102

(702) 366-1125

Attorneys for Defendant

SMITH'S FOOD & DRUG CENTERS, INC.

ORDER

IT IS SO ORDERED:

DATED this 2 day of April, 2024.


UNITED STATES MAGISTRATE JUDGE